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10 *Lead Counsel for Indirect*  
11 *Purchaser Class*

12  
13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

16 IN RE OPTICAL DISK DRIVE PRODUCTS  
17 ANTITRUST LITIGATION

No. 3:10-md-2143 RS (JCS)

18 DECLARATION OF SHANA E.  
19 SCARLETT IN SUPPORT OF  
20 INDIRECT PURCHASER PLAINTIFFS'  
MOTION FOR SUMMARY  
JUDGMENT AGAINST QUANTA  
STORAGE INC.

21 Date: September 21, 2017  
22 Time: 1:30 p.m.  
23 Dept: Courtroom 3, 17th Floor  
24 Judge: Hon. Richard Seeborg

25 DATE ACTION FILED: Oct. 27, 2009

26 This Document Relates to:  
27 ALL INDIRECT PURCHASER ACTIONS  
28

1 I, SHANA E. SCARLETT, declare as follows:

2 1. I am an attorney duly licensed to practice before all of the courts of the State of  
3 California in the above-entitled litigation. I am a partner with the law firm of Hagens Berman Sobol  
4 Shapiro LLP, counsel of record for the indirect purchaser plaintiffs in the above-entitled action.  
5 Based on personal knowledge or discussions with counsel in my firm of the matters stated herein, if  
6 called upon, I could and would competently testify thereto.

7 2. Attached hereto is a true and correct copy of the following exhibits:

8 Exhibit 1: Certified Deposition Transcript of Shang Hao (Haw) Chen, taken in the above-  
9 captioned action on November 18, 2013, by court reporter Patricia Bidonde,  
Notary Public within and for the State of New York;

10 Exhibit 2: Certified Deposition Transcript of Shu-Ming Tzeng, taken in the above-  
11 captioned action on November 20, 2013, by court reporter Patricia Bidonde,  
Notary Public within and for the State of New York;

12 Exhibit 3: Certified Deposition Transcript of Ya-Ping (Sally) Huang, taken in the above-  
13 captioned action on November 21, 2013, by court reporter Patricia Bidonde,  
Notary Public within and for the State of New York;

14 Exhibit 4: E-mail from Shana Scarlett to Paul Hanna, counsel for Quanta defendants,  
15 dated June 2, 2016;

16 Exhibit 5: E-mail from Colleen Cleary to Paul Hanna, counsel for Quanta defendants,  
17 dated November 3, 2016;

18 Exhibit 6: Document Bates-numbered ODDCIV-003329742-43, produced in the above-  
19 captioned action and designated "CONFIDENTIAL" by the Philips  
defendants pursuant to the protective order in this action;

20 Exhibit 7: Document Bates-numbered Q00725951, produced in the above-captioned  
21 action and designated "CONFIDENTIAL – RESTRICTED" by the Quanta  
22 defendants pursuant to the protective order in this action and marked as  
Deposition Exhibit 363;

23 Exhibit 8: Certified translation of documents Bates-numbered  
24 QUANTA\_HAW\_00061411-12, produced in the above-captioned action by  
the Quanta defendants and marked as Deposition Exhibit 364A;

25 Exhibit 9: Certified translation of document Bates-numbered Q000009940, produced in  
26 the above-captioned action and designated "CONFIDENTIAL" by the Quanta  
27 defendants pursuant to the protective order in this action and marked as  
Deposition Exhibit 365A;

- Exhibit 10: Certified translation of document Bates-numbered Q000009969-972, produced in the above-captioned action and designated “CONFIDENTIAL” by the Quanta defendants pursuant to the protective order in this action and marked as Deposition Exhibit 366A;
- Exhibit 11: Certified translation of document Bates-numbered Q000009997-99, produced in the above-captioned action and designated “CONFIDENTIAL” by the Quanta defendants pursuant to the protective order in this action and marked as Deposition Exhibit 367A;
- Exhibit 12: Certified translation of document Bates-numbered Q000009994-96, produced in the above-captioned action and designated “CONFIDENTIAL” by the Quanta defendants pursuant to the protective order in this action and marked as Deposition Exhibit 368A;
- Exhibit 13: Certified translation of document Bates-numbered Q00001011-13, produced in the above-captioned action and designated “CONFIDENTIAL” by the Quanta defendants pursuant to the protective order in this action and marked as Deposition Exhibit 369A;
- Exhibit 14: Certified translation of document Bates-numbered Q000010063-66, produced in the above-captioned action and designated “CONFIDENTIAL” by the Quanta defendants pursuant to the protective order in this action and marked as Deposition Exhibit 370A;
- Exhibit 15: Certified translation of document Bates-numbered QUANTA\_HAW\_00032277, produced in the above-captioned action and designated “CONFIDENTIAL” by the Quanta defendants pursuant to the protective order in this action and marked as Deposition Exhibit 413A;
- Exhibit 16: Document Bates-numbered QUANTA\_HAW\_00032401, produced in the above-captioned action by the Quanta defendants and marked as Deposition Exhibit 414;
- Exhibit 17: Certified translation of document Bates-numbered QUANTA\_HAW\_00047154, produced in the above-captioned action by the Quanta defendants and marked as Deposition Exhibit 371A;
- Exhibit 18: Excerpts from the Certified Deposition Transcript of Quanta Storage Inc., Designee Shu-Ming Tzeng, taken in the above-captioned action on March 9, 2017, by court reporter Lana L. Loper, CSR No. 9667;
- Exhibit 19: Document Bates-numbered Q000254640-653, produced in the above-captioned action and designated “CONFIDENTIAL – RESTRICTED” by the Quanta defendants pursuant to the protective order in this action and marked as Deposition Exhibit 373;

- 1 Exhibit 20: Certified translation of document Bates-numbered  
2 QUANTA\_HAW\_00047029, produced in the above-captioned action by the  
3 Quanta defendants and marked as Deposition Exhibit 398A;
- 4 Exhibit 21: Certified translation of document Bates-numbered  
5 QUANTA\_HAW\_00035636, produced in the above-captioned action by the  
6 Quanta defendants and marked as Deposition Exhibit 399A;
- 7 Exhibit 22: Certified translation of document Bates-numbered TSSTK-0080411-15,  
8 produced in the above-captioned action and designated “CONFIDENTIAL –  
9 RESTRICTED” by the Toshiba defendants pursuant to the protective order in  
10 this action and marked as Deposition Exhibit 318A;
- 11 Exhibit 23: Document Bates-numbered QUANTA\_HAW\_00021498, produced in the  
12 above-captioned action by the Quanta defendants and marked as Deposition  
13 Exhibit 393;
- 14 Exhibit 24: Defendants Philips & Lite-On Digital Solutions Corporation and Philips &  
15 Lite-On Digital Solutions U.S.A., Inc.’s Second Supplemental Response to  
16 Indirect Purchaser Plaintiffs’ First Set of Interrogatories, Nos. 4, 5 and 13,  
17 marked as Deposition Exhibit 357;
- 18 Exhibit 25: Document Bates-numbered QUANTA\_HAW\_00035744, produced in the  
19 above-captioned action by the Quanta defendants and marked as Deposition  
20 Exhibit 391;
- 21 Exhibit 26: Certified translation of document Bates-numbered  
22 QUANTA\_HAW\_00051033, produced in the above-captioned action by the  
23 Quanta defendants and marked as Deposition Exhibit 418A;
- 24 Exhibit 27: Pursuant to Federal Rule of Evidence 1006, the attached chart reflects inter-  
25 defendant communications during the course of the conspiracy. The phone  
26 records summarized in the chart are voluminous (several hundred pages), and  
27 these records cannot be conveniently analyzed in court. The chart is based on  
28 phone records that are admissible in evidence based on deposition testimony  
from phone company representatives and production of the phone records  
from the defendants’ own files. All of the phone records have been produced  
to the defendants during the course of this litigation. The chart was created at  
my direction by staff at Hagens Berman;
- Exhibit 28: Certified translation of document Bates-numbered  
QUANTA\_HAW\_00016940, produced in the above-captioned action by the  
Quanta defendants and marked as Deposition Exhibit 403A;
- Exhibit 29: Certified translation of document Bates-numbered  
QUANTA\_HAW\_00043019, produced in the above-captioned action by the  
Quanta defendants and marked as Deposition Exhibit 405A;

- 1 Exhibit 30: Certified translation of document Bates-numbered  
2 QUANTA\_HAW\_00037747, produced in the above-captioned action by the  
3 Quanta defendants and marked as Deposition Exhibit 406A;
- 4 Exhibit 31: Document Bates-numbered QUANTA\_HAW\_00008529, produced in the  
5 above-captioned action by the Quanta defendants and marked as Deposition  
6 Exhibit 407;
- 7 Exhibit 32: Certified translation of document Bates-numbered  
8 QUANTA\_HAW\_00046718, produced in the above-captioned action and  
9 designated "CONFIDENTIAL" by the Quanta defendants pursuant to the  
10 protective order in this action and marked as Deposition Exhibit 27A;
- 11 Exhibit 33: Certified translation of document Bates-numbered  
12 QUANTA\_HAW\_00045156, produced in the above-captioned action by the  
13 Quanta defendants and marked as Deposition Exhibit 408A;
- 14 Exhibit 34: Document Bates-numbered HLDS\_CIV0884535-551, produced in the above-  
15 captioned action by the HLDS defendants and marked as Deposition Exhibit  
16 2133;
- 17 Exhibit 35: Document Bates-numbered ODDCIV-000268482-86, produced in the above-  
18 captioned action action and designated "CONFIDENTIAL" by the Philips  
19 defendants pursuant to the protective order in this action and marked as  
20 Deposition Exhibit 2125;
- 21 Exhibit 36: Documents Bates-numbered ODDCIV-000089342-48, produced in the above-  
22 captioned action action and designated "CONFIDENTIAL" by the Philips  
23 defendants pursuant to the protective order in this action and marked as  
24 Deposition Exhibit 2130;
- 25 Exhibit 37: Document Bates-numbered ODDCIV-000105746-49, produced in the above-  
26 captioned action action and designated "CONFIDENTIAL" by the Philips  
27 defendants pursuant to the protective order in this action and marked as  
28 Deposition Exhibit 204;
- 29 Exhibit 38: Document Bates-numbered ODDCIV-003389257-59, produced in the above-  
30 captioned action action and designated "CONFIDENTIAL" by the Philips  
31 defendants pursuant to the protective order in this action and marked as  
32 Deposition Exhibit 219;
- 33 Exhibit 39: Excerpts from the Certified Deposition Transcript of Dae Hwa (Bruce) Jeong,  
34 taken in the above-captioned action on April 18, 2013, taken by court reporter  
35 Kimberlee Schroeder, CSR No. 11414;
- 36 Exhibit 40: Document Bates-numbered QUANTA\_HAW\_00002390, produced in the  
37 above-captioned action by the Quanta defendants and marked as Deposition  
38 Exhibit 374;

- 1 Exhibit 41: Document Bates-numbered QUANTA\_HAW\_00001459, produced in the  
2 above-captioned action by the Quanta defendants and marked as Deposition  
3 Exhibit 375;
- 4 Exhibit 42: Certified translation of document Bates-numbered  
5 QUANTA\_HAW\_00000787, produced in the above-captioned action by the  
6 Quanta defendants and marked as Deposition Exhibit 376A;
- 7 Exhibit 43: Document Bates-numbered Q000321785-88, produced in the above-captioned  
8 action and designated “CONFIDENTIAL – RESTRICTED” by the Quanta  
9 defendants pursuant to the protective order in this action and marked as  
10 Deposition Exhibit 377;
- 11 Exhibit 44: Certified translation of document Bates-numbered  
12 QUANTA\_HAW\_00002989, produced in the above-captioned action by the  
13 Quanta defendants and marked as Deposition Exhibit 378A;
- 14 Exhibit 45: Certified translation of document Bates-numbered  
15 QUANTA\_HAW\_00002328, produced in the above-captioned action by the  
16 Quanta defendants and marked as Deposition Exhibit 379A;
- 17 Exhibit 46: Document Bates-numbered QUANTA\_HAW\_00003064, produced in the  
18 above-captioned action by the Quanta defendants and marked as Deposition  
19 Exhibit 380;
- 20 Exhibit 47: Document Bates-numbered QUANTA\_HAW\_00025559, produced in the  
21 above-captioned action by the Quanta defendants and marked as Deposition  
22 Exhibit 381;
- 23 Exhibit 48: Document Bates-numbered Q000261745-46, produced in the above-captioned  
24 action and designated “CONFIDENTIAL – RESTRICTED” by the Quanta  
25 defendants pursuant to the protective order in this action and marked as  
26 Deposition Exhibit 382;
- 27 Exhibit 49: Certified translation of document Bates-numbered  
28 QUANTA\_HAW\_00014855, produced in the above-captioned action by the  
Quanta defendants and marked as Deposition Exhibit 384A;
- Exhibit 50: Certified translation of document Bates-numbered  
QUANTA\_HAW\_00037186, produced in the above-captioned action by the  
Quanta defendants and marked as Deposition Exhibit 386A;
- Exhibit 51: Document Bates-numbered QUANTA\_HAW\_00036740, produced in the  
above-captioned action by the Quanta defendants and marked as Deposition  
Exhibit 392;
- Exhibit 52: Excerpts from the Deposition Transcript of Woo Jin (Eugene) Yang, taken in  
the above-captioned action on July 24, 2013 by court reporter Linda  
Vaccarezza, CSR No. 10201;



- 1 Exhibit 53: Certified translation of document Bates-numbered QSI-SUB 1386856-58,  
2 produced in the above-captioned action and designated “CONFIDENTIAL”  
3 by the Quanta defendants pursuant to the protective order in this action and  
4 marked as Deposition Exhibit 432A;
- 5 Exhibit 54: Document Bates-numbered QUANTA\_HAW\_00002376, produced in the  
6 above-captioned action by the Quanta defendants and marked as Deposition  
7 Exhibit 412;
- 8 Exhibit 55: Excerpts from the Expert Report of Dr. Luis Cabral, dated February 1, 2017,  
9 served by the indirect purchaser class in this litigation;
- 10 Exhibit 56: Expert Report of Dr. Kenneth Flamm, dated February 1, 2017, served by the  
11 indirect purchaser class in this litigation;
- 12 Exhibit 57: Excerpts from the Expert Report of Edward A. Snyder, Ph.D., dated April 3,  
13 2017, served by BenQ Corporation, BenQ American Corp., Samsung  
14 Electronic Co., Ltd., Toshiba Corporation, Toshiba Samsung Storage  
15 Technology Corporation and Toshiba Samsung Storage Technology  
16 Corporation Korea in this litigation;
- 17 Exhibit 58: Excerpts from the Certified Deposition Transcript of Kevin M. Murphy,  
18 Ph.D., taken in the above-captioned action on April 30, 2017, by court reporter  
19 Janet L. Robbins, CSR No. 84-2207;
- 20 Exhibit 59: Excerpts from the Certified Deposition Transcript of Andres V. Lerner, Ph.D.,  
21 taken in the above-captioned action on May 8, 2017, by court reporter Kristi  
22 Caruthers, CSR No. 10560;
- 23 Exhibit 60: Quanta Storage Inc.’s First Amended Objections and Responses to Indirect  
24 Purchaser Plaintiffs’ First Set of Interrogatories to Defendants, dated August  
25 10, 2012;
- 26 Exhibit 61: Letter from Keith A. Walter, counsel for the Quanta defendants, to Shana  
27 Scarlett, dated November 9, 2012;
- 28 Exhibit 62: Defendant Quanta Storage Inc.’s Supplemental Response to Special  
Interrogatories Nos. 4 and 5 Propounded by Indirect Purchaser Plaintiffs,  
dated January 6, 2017;
- Exhibit 63: Indirect Purchaser Plaintiffs’ Third Amended Notice of Deposition of Quanta  
Storage Inc. Pursuant to Federal Rule of Civil Procedure 30(b)(6), dated  
February 21, 2017; and
- Exhibit 64: Excerpts from the Certified Deposition Transcript of Quanta Storage Inc.,  
Designee Shu-Ming Tzeng, taken in the above-captioned action on March 10,  
2017, by court reporter Lana L. Loper, CSR No. 9667.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is  
2 true and correct. Executed this 30th day of June 2017, at Berkeley, California.

3  
4 /s/ Shana E. Scarlett  
SHANA E. SCARLETT